

Entered on Docket

August 22, 2019

EDWARD J. EMMONS, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: August 21, 2019

DENNIS MONTALI  
U.S. Bankruptcy Judge

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11 *Counsel to the Official Committee of Tort Claimants*

12 **UNITED STATES BANKRUPTCY COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN FRANCISCO DIVISION**

15 **In re:**

16 **PG&E CORPORATION**

17 **-and-**

18 **PACIFIC GAS AND ELECTRIC  
COMPANY,**

19 **Debtors.**

20  Affects PG&E Corporation  
21  Affects Pacific Gas and Electric Company  
22  Affects both Debtors

23 \*All papers shall be filed in the Lead Case,  
24 No. 19-30088 (DM)

Bankruptcy Case  
No. 19-30088 (DM)

Chapter 11  
(Lead Case)  
(Jointly Administered)

**ORDER DETERMINING  
PROCEDURES FOR PRESERVING  
JURY TRIAL RIGHTS**

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1       Upon the Motion (the “**Motion**”), dated August 8, 2019,<sup>1</sup> of the TCC to determine the  
2 procedures for individual tort claimants to preserve their jury trial rights; this Court having  
3 jurisdiction to consider the Motion and relief requested therein pursuant to 28 U.S.C. §§ 157 and  
4 1334, and the *Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, District  
5 Court General Order 24, and Rule 5011-1(a) of the Bankruptcy Local Rules; and venue being  
6 proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found and  
7 determined that notice of the Motion as provided to the parties listed therein is reasonable and  
8 sufficient under the circumstances, and it appearing that no other or further notice need be  
9 provided; and this Court having reviewed the Motion; and upon consideration of the declaration  
10 of Frank M. Pitre submitted in support of the Motion; and this Court having held a hearing on the  
11 Motion; and this Court having determined that the legal and factual bases set forth in the Motion  
12 establish just cause for the relief granted herein; and this Court having found and determined that  
13 the relief sought in the Motion is in the best interests of the stakeholders of the Debtors, and after  
14 due deliberation and sufficient cause appearing therefor:

15       **IT IS HEREBY ORDERED THAT:**

16       1.       The Motion is GRANTED to the extent provided herein.

17       2.       Pursuant to Civil Rules 7 and 38, Bankruptcy Rule 9015, Bankruptcy Local Rule  
18 9015-2(d), 28 U.S.C. §§ 157(b) and 1411(a) and 11 U.S.C. § 105(a):

19           a.       A personal injury or wrongful death claimant against the Debtors does not  
20                waive any rights the claimant may possess to a jury trial by (i) filing a  
21                proof of claim in these Chapter 11 Cases, or (ii) submitting information to  
22                the BrownGreer database created as part of the Judicial Council  
23                Coordination Proceedings in state court;

24           b.       No jury demand under the Civil Rules or Bankruptcy Rules or otherwise,  
25                or motion under Local Rule 9015-2(d), is required until such time as the  
26                Court specifies such a requirement in a future Order; provided, however,  
27                the Court’s Order will provide at least 40 days’ notice of the date on which

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28       <sup>1</sup> Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion.

1 the claimant is required to make a jury trial demand, or a motion under  
2 Local Rule 9015-2(d).

3 3. For the avoidance of doubt, this Order does not (i) determine any party-in-  
4 interest's rights to a jury trial against the Debtors, (ii) prohibit a party-in-interest from making a  
5 jury demand under the Civil Rules or Bankruptcy Rules or otherwise, or filing a motion under  
6 Local Rule 9015-2(d), to protect the party's rights, (iii) prevent the Debtors from contending that  
7 no jury rights exist, or (iv) impact the Court's authority or jurisdiction to estimate personal injury  
8 or wrongful death claims.

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10 **\*\* END OF ORDER \*\***

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12 **APPROVED AS TO FORM AND CONTENT:**

13 BAKER & HOSTETLER LLP

14 /s/ Robert A. Julian

15 Robert A. Julian

16 *Counsel for Official Committee of Tort  
17 Claimants*

18 WEIL, GOTSHAL & MANGES LLP

19 /s/ Theodore E. Tsekerides

20 Theodore E. Tsekerides

21 *Counsel for the Debtors and Debtors in  
22 Possession*